

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CALVIN SCOTT, SR.,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:05cv651-F
)	
JAMES (BUDDY) SWEARENGIN, JR.,)	
)	
Defendants.)	
)	
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CALVIN SCOTT, SR.,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:05cv652-F
)	
RAY DENNIS, <i>et al.</i> ,)	
)	
Defendants.)	

DEFENDANTS' JOINT STATUS REPORT

Come now the defendants and pursuant to this Court's order file the following status report:

1. On October 6, 2005, a full evidentiary hearing was conducted by Impartial Hearing Officer Frank S. James, III.

2. The hearing officer's report was filed with this Court on October 13, 2005.


3. The Randolph-Sheppard Act, 20 U.S.C. § 107d-1(a), provides:

Any blind licensee who is dissatisfied with any action arising from the operation or administration of the vending facility program may submit to a State licensing agency a request for a full evidentiary hearing, which shall be provided by such agency in accordance with section 107b(6) of this title. If such blind licensee is dissatisfied

with any action taken or decision rendered as a result of such hearing, he may file a complaint with the Secretary who shall convene a panel to arbitrate the dispute pursuant to section 107d-2 of this title, and the decision of such panel shall be final and binding on the parties except as otherwise provided in this chapter.

4. As of this date the defendants have received no notification of a filing of a complaint with the Secretary of the United States Department of Education. As this Court noted in its order dated September 21, 2005, congressional policy is that blind vendors must exhaust their administrative and arbitration remedies before seeking review in the district courts.

Respectfully submitted,


Stephen K. Simpson (SIM0027)

**ATTORNEY FOR RAY DENNIS,
PERRY HOPPER, KEN GREEN, AND
ALABAMA DEPARTMENT OF
REHABILITATION SERVICES**

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**ATTORNEYS FOR DEFENDANT
JAMES SWEARENGIN**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 13th, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System and that I served a copy of the foregoing upon the following party who does not participate in electronic filing by U.S. Mail, postage prepaid, addressed as follows:

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